

REMARKS

Claims 12, 13 and 30-39 are now pending in the present application. Claims 1-11 and 14-29 have been canceled by a previous amendment, claim 33 has been amended and claims 35-39 have been added. Claims 30-32 and 39 stand withdrawn from consideration as being directed to a non-elected invention. Claims 12, 32 and 33 are independent. The specification has been amended. Reconsideration of this application, as amended, is respectfully requested.

Election/Restriction

Claims 30-32 and 39 stand withdrawn from consideration by the Examiner as being directed to a non-elected invention. Claim 39 has been added by the present amendment and is directed to the non-elected invention.

The Examiner indicates that rejoinder of claims 30-32 will be considered once claims 12 and 13 are found to be allowable. Applicants appreciate this indication from the Examiner. Claim 39 should also be allowed once claim 35 is found to be allowable. Since claims 12, 13 and 35 are believed to be allowable, it is requested that the Examiner consider rejoinder of claims 30-32 and 39 at this time.

Amendments to the Specification

At paragraph 3 of the Examiner's Office Action, the Examiner indicates that page 4, first full paragraph of the present specification has not been amended, contrary to the Amendment submitted on February 4, 2005. By the present Amendment, page 4, first full paragraph has been amended to

provide an appropriate written description that indicates that the substance weight/unit area is uniform at the edge margins. No new matter has been entered, since one having ordinary skill in the art would readily understand that the blinding plates 22, 22' would cause the substance weight/unit area of the edge margins to be generally uniform as recited in independent claim 12 of the present invention.

Rejections Under 35 U.S.C. §112

Claims 33 and 34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. This rejection is respectfully traversed.

In the Examiner's Office Action, at paragraph 5, the Examiner states:

Although the preamble of the claim refers to an intended use of the glass mat, the body of the claim does not positively recite any matrix in which the mat is embedded, therefore the requirement is given little weight. The intended use is not seen to have an effect on the glass mat itself.

Applicants respectfully submit that the Examiner's rejection is not understood. First, the preamble of claim 33 states nothing with regard to intended use. Claim 33 (and 34) is clearly directed to a cementitious board. Second, the Examiner's statement "the requirement is given little weight" does not appear relevant to a rejection under 35 U.S.C. § 112, second paragraph.

Although Applicants believe that claims 33 and 34 are definite as previously presented, in order to expedite prosecution of the present application, claim 33 has been amended to recite a body of cementitious material in the preamble of the claim. In view of this, claim 33 (and 34) is clear in that the cementitious board is being recited.

In view of the above remarks, Applicants respectfully submit that claims 33 and 34 are definite and clear. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph are respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 12, 13, 33 and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jennus et al., U.S. Patent No. 4,869,942. This rejection is respectfully traversed.

At the outset, it is respectfully pointed out that the Examiner's Office Action is inconsistent. Specifically, the Office Action Summary indicates that claims 33 and 34 are allowed; however, the body of the Office Action indicates that these claims are rejected. In view of this, clarification is requested.

The present invention is directed to a non-woven mat of glass fibers and a cementitious board having a sheet of a non-woven mat of glass fibers embedded therein. An embodiment of the present invention is exemplified by independent claim 12. Independent claim 12 recites a combination of elements including the recitations "said mat having a substance weight/unit area varying in a cross direction of the mat" and "said mat is permeable to a gypsum plaster slurry." Applicants respectfully submit that the Jennus et al. reference relied on by the Examiner fails to teach these aspects of the present invention.

Jennus et al. discloses a laminated roofing shingle made up of sheets of coated glass mat laminated together in a bituminous matrix. Some of the sheets are absent over some of the area of the shingle, so that in one sense, the amount of material in the shingle varies across the shingle.

However, the shingle itself is not a non-woven mat of glass fiber as claimed in independent claim 12. The sheets making up the laminar shingle are each composed of a glass fiber mat coated on both sides with asphalt. Each glass mat is of uniform substance weight/unit area. It is the shingle, rather than the glass mats, which could be said to have a varying amount of material.

In claim 12 of the present invention, it is stated that the “substance weight/unit area” of the glass mat varies in the cross direction. First, Jennus et al. discloses several layers of a glass mat that have been manufactured into a shingle. However, the glass mat itself has a uniform substance weight/unit area. Second, the term “substance” of the mat is a property of the mat that is defined by the weight/unit area of the mat. As explained in previous amendments in the present application, the recitation “substance weight/unit area” has been chosen by Applicants in order to describe this property. Applicants submit that the Jennus et al. reference fails to disclose a non-woven mat having a substance weight/unit area that varies in a cross direction as recited in independent claim 12. Specifically, the weight/unit area of the glass mat of Jennus et al. is uniform across an entire width thereof. Merely stacking up multiple layers of the glass mat as in Jennus et al. does not change the substance weight/unit area of the glass mat.

With regard to independent claim 33, Applicants respectfully submit that this claim is allowable for the same reasons mentioned above with regard to independent claim 12. In addition, since claim 33 has been amended to positively recite the “body of cementitious material,” Applicants submit that claim 33 further defines over the Jennus et al. reference for this additional reason. Specifically, Jennus et al. fails to disclose a non-woven mat of glass fiber embedded in a body of cementitious material as recited in independent claim 33.

With regard to dependent claims 13 and 34, Applicants respectfully submit that these claims are allowable due to their respective dependence on independent claims 12 and 33, as well as due to the additional recitations in these claims.

In particular, claims 13 and 34 recite “opposed edge margins of said mat are of lower substance weight/unit area than the remainder of the mat.” Even if the Examiner’s interpretation of claims 12 and 33 of the present invention were correct, a fact that Applicants disagree with for the above reasons, Jennus et al. certainly fails to disclose opposed edge margins that have a substance weight/unit area that is less than the remainder of the mat, i.e. the central portion of the mat. Referring to Figure 6 of Jennus et al., once the shingle is formed, only one edge of the shingle includes multiple layers of the glass mat. Therefore, only one edge can arguably be considered to have a substance weight/unit area that is less than the remainder of the mat.

In view of the above remarks, Applicants respectfully submit that claims 12, 13, 33 and 34 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Additional Claims

Additional claims 35-39 have been added for the Examiner’s consideration. Applicants respectfully submit that claims 35-38 are directed to the elected invention, since claims 35-38 depend from claims 12, 13, 33 and 34, respectively. Applicants respectfully submit that claims 35-38 are allowable due to their respective dependence on independent claims 12 and 33, as well as due to the additional recitations in these claims.

With regard to dependent claim 39, this claim is directed to the non-elected invention, since this claim is directed to a cementitious board that depends on claim 35. However, since claim 35 is in condition for allowance, it is requested that dependent claim 39 also be considered at this time along with dependent claims 30-32.

Favorable consideration and allowance of the present application are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.


It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance.

In the event there are any outstanding matters remaining in this application the Examiner is invited to contact Mr. Paul C. Lewis (Reg. No. 43,368) at (703) 205-8000 in the Washington, D.C. area to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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